

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

**Norfolk Division**

BASF PLANT SCIENCE, LP, )

)

Plaintiff, )

)

v. )

)

COMMONWEALTH SCIENTIFIC AND )

INDUSTRIAL RESEARCH )

ORGANISATION, )

)

Defendant. )

C.A. No. 2:17-CV-503-HCM

)

COMMONWEALTH SCIENTIFIC AND )

INDUSTRIAL RESEARCH )

ORGANISATION, GRAINS RESEARCH )

AND DEVELOPMENT CORP., AND )

NUSEED PTY LTD., )

)

Plaintiffs-Counterclaimants, )

)

v. )

)

BASF PLANT SCIENCE, LP, AND )

CARGILL, INCORPORATED, )

)

Defendants- )

Counterdefendants, )

)

BASF PLANT SCIENCE GMBH, )

)

Counter-Counterclaimant. )

)

**PROPONENTS' MOTIONS FOR JUDGMENT AS A MATTER OF LAW AND A NEW  
TRIAL UNDER FED. R. CIV. P. 50(B) AND 59**

Commonwealth Scientific and Industrial Research Organisation (“CSIRO”), Grains Research and Development Corporation (“GRDC”), and Nuseed Pty. Ltd. (“Nuseed”) (collectively, “Proponents”), by their undersigned counsel, move the Court to enter a new judgment as a matter of law or grant a new trial in favor of Proponents on the following two issues:

- BASF Plant Science LP’s (“BASF”) claim of ownership of U.S. Patent No. 9,994,792 (“’792 Patent” or “Group B patent”) under the Materials Transfer and Evaluation Agreement; and
- The invalidity of claim 1 of U.S. Patent No. 10,125,084 (“’084 Patent” or “Group E patent”) for lack of written description.

In support of these motions, Proponents incorporate by reference the supporting memorandum filed contemporaneously herewith.

DATED: January 21, 2020

Respectfully submitted,

/s/ Richard Ottinger

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**Certificate of Service**

I hereby certify that on January 21, 2020 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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